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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,303	03/02/2005	Erwin Rinaldo Meinders	NL 020810	3595

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

JACKSON, DERICK G

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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01/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,303

Applicant(s)

MEINDERS ET AL.

Examiner

Derick G. Jackson

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3 and 5-7** are rejected under 35 U.S.C. 102(b) as being anticipated by Endoh (hereinafter "*Endoh*"), U.S. Patent Publication No. 2002/0024915 A1.

Regarding **claim 1**, *Endoh* discloses a recordable optical record carrier comprising an information layer (FIG. 3, element 3) of a recording material for forming marks and lands representing an information, a substrate layer (FIG. 3, element 2) carrying said information layer and a cover layer (FIG. 3, element 4) covering said information layer, said substrate layer comprising a radially evolving groove structure filled with recording material (FIG. 4), characterized in

that said groove structure comprises a main groove divided into two neighboring sub-grooves separated by a barrier (FIG. 3, see paragraph [0070]).

Regarding **claim 2**, *Endoh* further discloses said barrier is made of substrate material (FIG. 3, element 7).

Regarding **claim 3**, *Endoh* further discloses the height of said barrier is equal to or smaller than the height of the substrate between two neighboring main grooves (FIG. 3, element 7, paragraph [0070]).

Regarding **claim 5**, *Endoh* does not specifically disclose the main groove and the sub-grooves is adapted so as to obtain marks having an essentially oval shape in radial the direction. However, *Endoh* teaches a groove structure comprising two deep grooves (corresponding to the sub-grooves, FIG. 3, elements 5 and 6) and a shallow groove (corresponding to the barrier, FIG. 3, element 7). When a recording laser light beam having a fixed diameter impresses on a groove having a fixed width, smaller than that of the laser beam diameter, the recorded mark or pit will inherently have an essentially oval shape.

Regarding **claim 6**, *Endoh* further teaches wherein the width of the sub-grooves in radial direction increases in the direction facing away from said substrate layer, in particular having flank angles in an angle range of 10 to 90 degree (FIG. 3, element 5 and 6).

Regarding **claim 7**, *Endoh* further discloses a metal and/or a dielectric layer is between said information layer and said cover layer (paragraph [0060]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Endoh* as applied to claim 1 above, and further in view of Rosen et al (hereinafter "*Rosen*"), U.S. Patent No. 5,627,817.

Regarding **claim 4**, claim limitations according to claim 1 are met by *Endoh* above. *Endoh* fails to specifically disclose wherein the recording material is an organic material, in particular a dye, or an anorganic material, in particular a phase-change material.

However, *Endoh* suggests the optical recording medium is applicable to a phase-change optical recording mediums (paragraph [0194]). In the same field of endeavor, *Rosen* teaches a phase-change write-once read-many (WORM) optical disc using an organic dye material as the recording layer (col. 3, lines 49-62). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disc structure as disclosed by *Endoh* for use in a phase-change recording medium as disclosed by *Rosen*.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Publication No. 2003/0193882 A1

U.S. Patent Publication No. 2004/0076111 A1

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derick G. Jackson whose telephone number is (571) 270-3314. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Derick G Jackson
Patent Examiner
AU 2627

/DGJ/

A handwritten signature in black ink, appearing to read 'DWAYNE BOST', with a stylized, sweeping flourish extending from the end of the name.

DWAYNE BOST
SUPERVISORY PATENT EXAMINER